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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/28/2004

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,498

Applicant(s)

ZEN, VIC DE

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004 and 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,10,12-14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 4,11,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 14 and 17 are objected to because of the following informalities: In claim 14, the preamble should be consistent with independent claim 1. Hence, claim 1 is directed to "first and second frame member", so should claim 14. Thus, in claim 14, "A window unit" should be deleted and --First and second frame members-- should be inserted in its place. In claim 17, line 1, "1in" should be --1 in--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3,5,7,9,10,12,14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,894,706 to HERBST. In reference to claim 1, HERBST discloses the use of a first (20) and second (21) one piece integrally molded area circumscribing frame members that fit against one another to form an area circumscribing support frame having an article retaining recess (colored red) formed therebetween and extending therearound, see the marked attachment. Regarding claim 2, at least one of said members has an integral laterally projecting peripheral wall (colored orange) extending around the perimeter thereof against which the other frame member fits to form the article retaining recess (colored red), see also the marked

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attachment. In reference to claim 3, both of said frame members (20,21) have laterally projecting peripheral walls (colored orange) extending around their outer perimeters which abut when the frame members (20,21) are fitted together to define the article retaining recess(colored red). Regarding claim 5, the frame members (20,21) are injection molded plastic members, column 1, lines 38-42 and 64. In reference to claim 7, each of the frame members (20,21) is one side of a window sash for full view a door (10) and the retaining recess (colored red) is adapted to retain a glazing unit (15). Regarding claim 9, at least one of the frame members (20,21) is further formed to fit against a third one piece integrally molded area of circumscribing frame member (24) to form a second support frame having an article retaining recess therein (the U-shaped channel thereof). In reference to claim 10, the first (20) and second (21) frame members are configured to form face-to-face one side of a window frame for a full view door (10) and at least one of the frame members (20,21) have at an outer perimeter thereof, a laterally projecting wall (colored orange) which spaces the frame members (20,21) from one another to define a window unit retaining recess (colored red). Regarding claim 12, the first (20) and second (21) frame members, in combination with a third piece (24) molded area circumscribing frame member that is configured for assembly with one of said first (20) and second (21) frame members at one side thereof opposite to the side forming the retaining recess (colored red) to form an adjoining frame having a window retaining recess (colored orange) therein. In reference to claims 13 and 14, the first (20) and second (21) frame members are formed to be brought together face-to-face to form the sides of a window sash for a full view door (10) with a

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glazing unit retaining recess (colored red) therebetween, a glazing unit (15) located between said sash sides received in said retaining recess (colored red) and means securing (55,56,58) and (48,49) said molded frame members (20,21) together to interengage and retain said glazing unit (15) therebetween. Regarding claims 17-19, the interengaging means (55,56,58) and (48,49) are molded with the frame members (20,21) and are fitted against one another, column 1, lines 50-52, such that the interengaging means (55,56,58) and (48,49) are projecting formations (55) and (49) that are plugged into recesses (56) and (48) to bind together to resist separation.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,894,706 to HERBST. HERBST discloses the basic claimed circumscribing frame members except for explicitly detailing that his frame members are compression molded. Although HERBST does not detail the method of compression molded, he does detail that his frame members may be blow, roto, or injection moulding but are not limited to these methods. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the method of forming the frame members of HERBST could have included compression moulding also. Further, the applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device itself.

Allowable Subject Matter

Claims 4,8,11,15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YMH
June 22, 2004

